

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 ELIJAH DOUGLAS ROGERS,

4 Plaintiff

Case No. 3:19-cv-00503-MMD-WGC

ORDER

5 v.

6 NEVADA DEPARTMENT OF  
7 CORRECTIONS, *et al.*,

8 Defendants

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Washoe County Detention Center  
11 ("WCDC"), has submitted a civil rights complaint against the Nevada Department of  
12 Corrections ("NDOC") and others under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has  
13 neither paid the full filing fee for this matter nor filed an application to proceed *in forma*  
14 *pauperis*.

15 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
16 application to proceed *in forma pauperis* and attach both an inmate account statement  
17 for the past six months and a properly executed financial certificate. The Court will retain  
18 Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the  
19 payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an  
20 application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this  
21 action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file  
22 a fully complete application to proceed *in forma pauperis*, including both an inmate  
23 account statement for the past six months and a properly executed financial certificate.

24 **II. CONCLUSION**

25 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND  
26 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well  
27 as the document entitled information and instructions for filing an *in forma pauperis*  
28 application.

1 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
2 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on  
3 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
4 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
5 fee and the \$50 administrative fee).

6 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
7 dismissal of this action may result.

8 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
9 (ECF No. 1-1) but will not file it at this time.

10 DATED: August 19, 2019.

11 William G. Cobb  
12 UNITED STATES MAGISTRATE JUDGE  
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